

UNITED STATES DISTRICT COURT

for the  
Middle District of Tennessee

Division

RECEIVED  
in Clerk's Office  
JUL 01 2021  
U.S. District Court  
Middle District of TN  
03-21 0505

Daniel James Silva

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Andrea Linlat Scott

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Dante James Silva

Winston Salem

City

NC

State

27103

Zip Code

Callahan 1989 2/4/2012

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Andrea Finley Swift

2201 Harbors Place

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

D'Ann Turner

408 2nd Ave N Ste 2120

Nashville

City

TN

State

37201

Zip Code



Individual capacity



Official capacity

Defendant No. 3

Name

El. Richardson

Job or Title (if known)

Address

801 Broadway

Nashville  
City

TN  
State

37203  
Zip Code

County

Telephone Number

E-Mail Address (if known)

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name

Joe Binkley

Job or Title (if known)

Address

1 Public Square, Suite 509

Nashville  
City

TN  
State

37201  
Zip Code

County

Telephone Number

E-Mail Address (if known)

☒ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- 

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Read Complaint

---

- B. What date and approximate time did the events giving rise to your claim(s) occur?

1

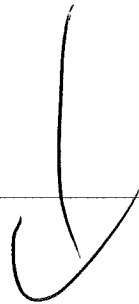
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- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
-

**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

*Read Complaint*



**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

6/28/2021

Signature of Plaintiff

Printed Name of Plaintiff

Daniel James Silva

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

City

State

Zip Code

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

1 United States District Court Middle District of Tennessee

2 801 Broadway, Room 800, Nashville, TN 37203

3  
4 Daniel James Silva

5 Plaintiff

6  
7 Andrea Finlay Swift

8 Judge Dianne Turner

9 Judge Eli J. Richardson

10 Judge Joe Binkley

11 Judge William L. Campbell, Jr,

12 \_\_\_\_\_  
13 Defendants

14  
15 Civil rights complaint

RECEIVED  
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U.S. District Court  
Middle District of TN

1

2

3 I Daniel James file hereby file a civil rights complaint the following defendants  
4 against here are their addresses,

5 Andrea Finlay Swift – 2201 Harding Pl, Nashville, TN 37215

6 Judge Dianne Turner- 408 2nd Ave N Ste 2120, Nashville, TN 37201

7 Judge Eli J. Richardson,801 Broadway, Nashville, TN 37203

8 Judge William L. Campbell, Jr,801 Broadway, Nashville, TN 37203

9 Judge Joe Binkley,1 Public Square, Suite 509 Nashville, TN 37201 (address listed)

10 my address 501 Lester lane , Winston Salem NC 27203

11

12 Due to the fact that on 5/19/2020 I went to address 2201 Harding place to serve  
13 defendant Taylor Alison swift a summary judgment and also to attempt an arrest  
14 on her for the following crimes,

15 Multiple counts of Obstruction of justice 1505

16 Multiple rico violations

17 Multiple counts of 18 U.S. Code § 241. Conspiracy against rights



1 And multiple other crimes along with her lawyer Doug Baldridge he orchestrated  
2 her crimes I'll explain below,

3  
4 Factual background

5 1. On 06/18/2020 a motion to dismiss in case 4:19-cv-00286-RH-MJF SILVA  
6 v. SWIFT et al was granted that Doug Baldridge filed for Taylor swift (dkt 74),  
7 it violates my 5th and 14th amendment right of due process and my 7th  
8 amendment right to a jury trial in an amount in controversy above 20 dollars or  
9 75,000 usd of today's money. My constitutional amendment rights were violated  
10 by swift, tas rights management and Baldridge so that trademarks (1989 sn:  
11 86363039) and (1989 sn: 86369161) were not declared fraudulent which they are  
12 because swifts name of her album is called (T.S. 1989) sn:86369455, meaning  
13 trademarks (1989 sn: 86363039) and (1989 sn: 86369161) are both fraudulent  
14 misrepresentations of her album meaning that 2- 3rd degree felonies were  
15 committed to obtain both marks. The motion to dismiss was also a criminal act of  
16 obstruction 1505.

17  
18 2. Taylor swift has paid Doug Baldridge millions of dollars in retainers over nearly  
19 4 years and 7 lawsuits to obstruct both 1989 trademarks (1989 sn: 86363039) and

1 (1989 sn: 86369161) committing a RICO violation occurred in order to establish a  
2 "pattern of racketeering activity," as long as the racketeering acts were "neither  
3 isolated nor sporadic." The racketeering activity is not required to benefit the  
4 enterprise. The participants in the scheme are not required to have personally  
5 profited, though some did. United States v. Killip, 819 F.2d 1542, 1549 (10th Cir.  
6 1987.)

7  
8 All evidence of swifts fraudulent marks can be found in the trademark office online  
9 database were trademarks (1989 sn: 86363039) and (1989 sn: 86369161) have  
10 identical trademark specimens (T.S. 1989) sn:86369455 is the real name of her  
11 album, it even says (T.S. 1989) on the CD itself making (1989 sn: 86363039) and  
12 (1989 sn: 86369161) fraudulent misrepresentations, to make it worse swift's  
13 trademark lawyer N.rose only made amendments to the fraudulent registrations  
14 only after I filed my 1st lawsuit of many vs swift, rose was actively committing  
15 crime on swifts behalf as far back as 3 years ago.

16  
17 It is clear as Day with a 100% certainty that Taylor Alison swift and James  
18 Douglas Baldrige are guilty of conspiring against my 5th 7th and 14th amendment  
19 rights and committed at least 2 acts of RICO to continue their crimes.

1 to make a long story very short Taylor swift and Doug Baldrige obstructed  
2 trademarks (1989 sn: 86363039) and (1989 sn: 86369161) that have identical  
3 trademark specimens (T.S. 1989) sn:86369455 is the real name of her album, it  
4 even says (T.S. 1989) on the CD itself making (1989 sn: 86363039) and (1989 sn:  
5 86369161) fraudulent misrepresentations.

6 ALL NAMED JUDGES WHERE MADE AWARE OF SWIFTS AND  
7 BALDRIDGES CRIMES AND CONSPIRED AGINEST MY RIGHTS AND  
8 COMMITTED MUTIPLE OBSTRUCTION OF JUSTICE 1505 COUNTS AND  
9 RICO VIOLATIONS IN THE PROCESS.

10 Obstruction of Justice is a criminal complaint pursuant to the omnibus clause, or  
11 "catch-all provision" of 18 U.S.C. § 1503, which provides:

12  
13 Whoever . . . corruptly or by threats or force, or by any threatening letter or  
14 communication, influences, obstructs, or impedes, or endeavours to influence,  
15 obstruct, or impede, the due administration of justice, shall be (guilty of an  
16 offence).

17 And also

18 Title 18, U.S.C., Section 242

1 Deprivation of Rights Under Color of Law

2 This statute makes it a crime for any person acting under color of law, statute,  
3 ordinance, regulation, or custom to willfully deprive or cause to be deprived from  
4 any person those rights, privileges, or immunities secured or protected by the  
5 Constitution and laws of the U.S.

6 This law further prohibits a person acting under color of law, statute, ordinance,  
7 regulation or custom to willfully subject or cause to be subjected any person to  
8 different punishments, pains, or penalties, than those prescribed for punishment of  
9 citizens on account of such person being an alien or by reason of his/her color or  
10 race.

11  
12 Acts under "color of any law" include acts not only done by federal, state, or local  
13 officials within the bounds or limits of their lawful authority, but also acts done  
14 without and beyond the bounds of their lawful authority; provided that, in order for  
15 unlawful acts of any official to be done under "color of any law," the unlawful acts  
16 must be done while such official is purporting or pretending to act in the  
17 performance of his/her official duties. This definition includes, in addition to law  
18 enforcement officials, individuals such as Mayors, Council persons, Judges,

1 Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws,  
2 statutes ordinances, or customs.

3  
4 Sec. 1983. - Civil action for deprivation of rights

5 Every person who, under color of any statute, ordinance, regulation, custom, or  
6 usage, of any State or Territory or the District of Columbia, subjects, or causes to  
7 be subjected, any citizen of the United States or other person within the jurisdiction  
8 thereof to the deprivation of any rights, privileges, or immunities secured by the  
9 Constitution and laws, shall be liable to the party injured in an action at law, suit in  
10 equity, or other proper proceeding for redress, except that in any action brought  
11 against a judicial officer for an act or omission taken in such officer's judicial  
12 capacity, injunctive relief shall not be granted unless a declaratory decree was  
13 violated or declaratory relief was unavailable. For the purposes of this section, any  
14 Act of Congress applicable exclusively to the District of Columbia shall be  
15 considered to be a statute of the District of Columbia Title 42, U.S.C., Section  
16 14141.

17  
18 “This Constitution, and the Laws of the United States [and Treaties] which shall be  
19 made in Pursuance thereof; . . . shall be the supreme Law of the Land. +++

1 Supremacy Clause, Article VI, Clause 2 of the United States Constitution

2  
3 When a judge acts intentionally and knowingly to deprive a person of his  
4 constitutional rights he exercises no discretion or individual judgment; he acts no  
5 longer as a judge, but as a "minister" of his own prejudices. [386 U.S. 547, 568].

6 A judge is liable for injury caused by a ministerial act; to have immunity the judge  
7 must be performing a judicial function. See, e. g., *Ex parte Virginia*, 100 U.S. 339 ;  
8 2 Harper & James, *The Law of Torts* 1642-1643 (1956).

9 The presence of malice and the intention to deprive a person of his civil rights is  
10 wholly incompatible with the judicial function.

11  
12 When the state is one of the perpetrators and violators, there can be no expectation  
13 of just, indeed any, relief from it. The State cannot cause a federal violation, and  
14 then try to prohibit litigants from seeking redress in the federal courts for those  
15 same violations (i.e. the state cannot violate our fundamental rights, and then try to  
16 have us dismissed out of federal court for seeking vindication of those rights) ' "We  
17 have long recognized that a state cannot create a transitory cause of action and at  
18 the same time destroy the right to sue on that transitory cause of action in any court  
19 having jurisdiction", *Tennessee Coal, Iron & R, Co. v. George*, 233 U.S. 354, 360

1 (1914)' cited in Marshall v. Marshall (2006).Judges' oath of office includes the  
2 undertaking to uphold the laws and Constitution of the United States. Any Judge  
3 violating such undertakings loses jurisdiction, resulting in his orders being VOID,  
4 and he himself commits a treasonable offense against the United States.

5 Punishment varies from a fine or imprisonment of up to one year, or both, and if  
6 bodily injury results or if such acts include the use, attempted use, or threatened  
7 use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to  
8 ten years or both, and if death results, or if such acts include kidnapping or an  
9 attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated  
10 sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for  
11 any term of years or for life, or both.

#### 12 13 FRAUD UPON THE COURT (By The Court)

14 Fraud Upon the Court is where the Judge (who is NOT the "Court") does NOT  
15 support or uphold the Judicial Machinery of the Court. The Court is an unbiased,  
16 but methodical "creature" which is governed by the Rule of Law... that is, the  
17 Rules of Civil Procedure, the Rules of Criminal Procedure and the Rules of  
18 Evidence, all which is overseen by Constitutional law. The Court can ONLY be  
19 effective, fair and "just" if it is allowed to function as the laws proscribe. The sad

1 fact is that in MOST Courts across the country, from Federal Courts down to local  
2 District courts, have judges who are violating their oath of office and are NOT  
3 properly following these rules, (as most attorney's do NOT as well, and are usually  
4 grossly ignorant of the rules and both judges and attorneys are playing a revised  
5 legal game with their own created rules) and THIS is a Fraud upon the Court,  
6 immediately removing jurisdiction from that Court, and vitiates (makes ineffective  
7 - invalidates) every decision from that point on. Any judge who does such a thing  
8 is under mandatory, non-discretionary duty to recuse himself or herself from the  
9 case, and this rarely happens unless someone can force them to do so with the  
10 evidence of violations of procedure and threat of losing half their pensions for life  
11 which is what can take place. In any case, it is illegal, and EVERY case which has  
12 had fraud involved can be re-opened AT ANY TIME, because there is no statutes  
13 of limitations on fraud.

14  
15  
16 Statement of claim

17 on 5/19/2020 I went to address 2201 Harding place to serve defendant Taylor  
18 Alison swift and also to attempt an arrest on her for the following crimes,  
19 Multiple counts of Obstruction of justice 1505



1 Multiple RICO violations

2 Multiple counts of 18 U.S. Code § 241. Conspiracy against rights and 42 U.S.

3 Code § 1985. Conspiracy to interfere with civil rights

4 And multiple other crimes along with her lawyer Doug Baldrige he orchestrated

5 her crimes ill explain below.

6  
7 I had gone to address 2201 Harding place and when I got there I was met by 2

8 armed guards but I did not attempt to beach the gate, I handed over a copy of the

9 my civil rights lawsuit for case 4:19-cv-00286-RH-MJF SILVA v. SWIFT et al. a

10 certified complaint and a signed affidavit explaining swifts crimes in detail, on the

11 arresting affidavit by officer Andrew Mullen which he stated (the defendant was

12 trying to serve federal rico violations paperwork to a resident) admitting he knew

13 swift lives at the house and address, he later stated ( the defendant was there to

14 serve papers and to make a citizens arrest. Officer MULLEN has blatantly

15 admitted that he not only knew why I was there but after understating why I was

16 there, feloniously obstructing my legitimate citizen's arrest also protecting SWIFT

17 from arrest in the process.

18 I have 5 counts to this Civil rights complaint,

1  
2  
3  
4  
5  
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11  
12  
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14  
15  
16  
17  
18

COUNT 1

1st by officer Andrew Mullen placing me under arrest for 3rd degree trespass

Mullen and the other 4 officers that where there committed the following civil rights violations and broken the following criminal statues federal and state committed by all named parities in the lawsuit, **I was arrested on Andrea Finley’s property A private party may be deemed a state actor if it, he or she conspires with a public official depriving another of their constitutional rights. In other words, a private party may be held liable as a state actor if they “acted jointly” with the state. She’s an accessory to Andrew Mullens fraudulent arrest which violated my 4<sup>th</sup> amendment rights.**

By Mullen arresting me after reading the certified civil rights complaint and affidavit he committed

1st obstruction of justice 1505 (multiple counts) being that lawsuit 4:19-cv-00286- RH-MJF SILVA v. SWIFT et al was pending at the time,

2nd 2010 Tennessee Code

Title 39 - Criminal Offenses

Chapter 11 - General Provisions

Part 4 - Criminal Responsibility

39-11-411 - Accessory after the fact.

(a) A person is an accessory after the fact who, after the commission of a felony, with knowledge or reasonable ground to believe that the offender has committed the felony, and with the intent to hinder the arrest, trial, conviction or punishment of the offender:

(1) Harbors or conceals the offender.

(2) Provides or aids in providing the offender with any means of avoiding arrest, trial, conviction or punishment; or

(3) Warns the offender of impending apprehension or discovery.

(b) This section shall have no application to an attorney providing legal services as required or authorized by law.

(c) Accessory after the fact is a Class E felony.

[Acts 1989, ch. 591, § 1; 1994, ch. 978, § 4; 1995, ch. 281, § 1.]

Also has an 39-11-411. Accessory TO A FALSE POLICE REPORT

2010 Tennessee Code

Title 39 - Criminal Offenses

Chapter 16 - Offenses Against Administration of Government

Part 5 - Interference with Government Operations

39-16-502 - False reports.

39-16-502. False reports.

1 (a) It is unlawful for any person to:

2  
3 (1) Initiate a report or statement to a law enforcement officer concerning an  
4 offense or incident within the officer's concern knowing that:

5  
6 (A) The offense or incident reported did not occur;

7  
8 (B) The person has no information relating to the offense or incident  
9 reported; or

10  
11 (C) The information relating to the offense reported is false; or

12  
13 (2) Make a report or statement in response to a legitimate inquiry by a law  
14 enforcement officer concerning a material fact about an offense or incident within  
15 the officer's concern, knowing that the report or statement is false and with the  
16 intent to obstruct or hinder the officer from:

1 (A) Preventing the offense or incident from occurring or continuing to  
2 occur; or

3 (B) Apprehending or locating another person suspected of committing an  
4 offense;

5 (2) A violation of subdivision (a)(3) is a Class C felony. [Acts 1989, ch. 591, § 1;  
6 1990, ch. 1030, § 28; 1998, ch. 690, § 1; 2000, ch. 976, § 1; 2002, ch. 849, § 6.]

7  
8 Due to the fact that the other named defendants not only fall under

9 2010 Tennessee Code

10 Title 39 - Criminal Offenses

11 Chapter 16 - Offenses Against Administration of Government

12 Part 5 - Interference with Government Operations

13 39-16-502 - False reports. But also 39-11-411. Accessory after the fact, for swifts  
14 rico violations and the civil rights violations perpetrated by the arresting officer  
15 (Mullen) and his back up.

1 Mullens arrest affidavit is fraudulent because the police report was fraudulent, the  
2 report was made to obstruct my arrest. Being that mullens affidavit is fraudulent  
3 he and 4 others violated my 4th amendment right, the 4th amendment is the right  
4 of the people to be secure in their persons, houses, papers, and effects, against  
5 unreasonable searches and seizures, shall not be violated, and no warrants shall  
6 issue, but upon probable cause, supported by oath or affirmation, and particularly  
7 describing the place to be searched, and the persons or things to be seized. Mullens  
8 and 4 other officers illegal searched my person and car on 2201 Harding places  
9 property.

10 All defendants also fall under criminal Malicious Prosecution

11 The person being sued initiated a legal proceeding against the criminal defendant  
12 (now a plaintiff) – for example, they filed a false police report; The proceeding  
13 ends in a acquittal or dismissal; The person who initiated the legal proceeding had  
14 an improper person (meaning it was not a mistake but rather, was done for some  
15 kind of malicious purpose, for example) The criminal defendant-turned-plaintiff  
16 was damaged in some manner.

17  
18  
19 Count 2

1 The second count is ever worse then the first, so after I went to Harding place got  
2 illegally searched and arrested tying to enforce federal broken statues which goes  
3 against my 4th amendment right, the second count was caused by the Nashville  
4 criminal court, on 5/9/2020 I was arrested at Harding place and was booked into  
5 jail about 2 hours later I had a pretrial intervention, so I was released on my own  
6 accord.

7 Its been over 3 months since my arrest and I haven't received a court appointed  
8 lawyer my 6th amendment right also the court has blatantly ignored the rules of  
9 criminal procedure, I also assert this lawsuit to be classes based being that most of  
10 the defendant are rich I am poor thus the follow case law applies

11 Plaintiff alleges a "class based", invidiously discriminatory animus is  
12 behind the conspirators' action as the Court records reflect. That the  
13 actions were clearly a product of bias and prejudice of the Court. See  
14 Griffen v. Breckridge, 403 U.S. 88, 102 (1971)

15  
16 The U.S. Supreme Court acknowledged in Bray v. Alexandria Women's Health  
17 Clinic 113 S.Ct.753 (1993) that the standard announced in Griffen was not  
18 restricted to "race" discrimination. It is therefore reasonable to assume



1 that 1985 (3) may be used for "class-based" claims other than race which is  
2 alleged in this case.

3 The defendant lawyers acting in conspiracy with state actors under color of  
4 law have become state actors in this case. The U.S. Supreme Court has ruled  
5 that "private parties", lawyers in this case, may be held to the same  
6 standard of "state actors" where the final and decisive act was carried out  
7 in conspiracy with a state actor or state official. See Dennis v. Sparks,  
8 449 U.S. 24, 101 S.Ct., 183 also See Adickes v. S.H. Kress & Co., 398 U.S.  
9 144, 90 S.Ct. 1598.

10  
11  
12 Plaintiff's Complaint is based in part on discrimination and political  
13 affiliations by lawyers and lawyer-judges, under 42 USCA 1983 & 1985. See  
14 reversal case Acevedo-Diaz v Aponte (1993, CA1 Puerto Rico) 1 F3d 62,  
15 summary op at (CA1 Puerto Rico) 21 M.L.W. 3212, 14 R.I.L.W. 389.

1 Also my due process was violated by judge turner and she broken the following  
2 rules of criminal procedure.

3 Rule 5:

4 Initial Appearance Before Magistrate.

5 (a) In General.(1) Appearance Upon an Arrest. Any person arrested—except upon a  
6 capias pursuant to an indictment or presentment—shall be taken without  
7 unnecessary delay before the nearest appropriate magistrate of:

8 (A) the county from which the arrest warrant issued; or

9 (B) the county in which the alleged offense occurred if the arrest was made without  
10 a warrant, unless a citation is issued pursuant to Rule 3.5.

11

12 Rule 5.1 Rule 5.1: Preliminary Hearing.

13

14 (a) Procedures. The following rules apply to a preliminary hearing:

15

16 (1) Evidence. The finding that an offense has been committed and that there is  
17 probable cause to believe that the defendant committed it shall be based on

1 evidence which may not be inadmissible hearsay except documentary proof of  
2 ownership and written reports of expert witnesses. Rules excluding evidence  
3 acquired by unlawful means are applicable.

4

5 (2) Defendant's Right to Present Evidence and Cross-Examine. The defendant may  
6 cross-examine witnesses against him or her and may introduce evidence.

7

8 (3) Content and Access to Record of Proceeding. The evidence of the witnesses  
9 does not have to be reduced to writing by the magistrate, or under the magistrate's  
10 direction, and signed by the respective witnesses; but the proceedings shall be  
11 preserved by electronic recording or its equivalent. If the defendant is subsequently  
12 indicted, such recording shall be made available to the defendant or defense  
13 counsel so they may listen to the recording in order to be apprised of the evidence  
14 introduced in the preliminary hearing. Where the recording is no longer available  
15 or is substantially inaudible, the trial court shall order a new preliminary hearing  
16 upon motion of the defendant filed not more than 60 days following arraignment.  
17 The indictment shall not be dismissed while the new preliminary hearing is  
18 pending. If the magistrate conducting the new preliminary hearing determines that  
19 probable cause does not exist, the magistrate shall certify such finding to the trial

1 court and the trial court shall then dismiss the indictment. The discharge of the  
2 defendant by the dismissal of the indictment in such circumstances does not  
3 preclude the state from instituting a subsequent prosecution for the same offense.

4

5 (b) When Probable Cause Found. When the magistrate at a preliminary hearing  
6 determines from the evidence that an offense has been committed and there is  
7 probable cause to believe that the defendant committed it, the magistrate shall bind  
8 the defendant over to the grand jury and either release the defendant pursuant to  
9 applicable law or commit the defendant to jail by a written order.

10

11 I was never granted a first appearance or had a Preliminary Hearing.

12

13 Also

14 Rule 10: Arraignment.

15

16 (a) General. Before any person is tried for the commission of an offense, the  
17 person shall be called into open court and arraigned, except as provided in Rule 43.

18 (b) Procedure. The arraignment shall consist of the following:

1 (1) ensuring that the defendant has a copy of the indictment, presentment, or  
2 information before called upon to plead;

3 (2) reading the indictment, presentment, or information to the defendant or stating  
4 to the defendant the substance of the charge; and then

5 (3) asking the defendant to plead to the indictment, presentment, or information.

6 (c) Record. The arraignment shall be entered on the record.

7 (d) Jointly Charged Defendants. Defendants who are jointly charged may be  
8 arraigned separately or together in the court's discretion.

9 This rule creates a formal arraignment procedure in Tennessee. The rule applies  
10 only to Circuit or Criminal Courts or other criminal courts of record.

11 The accused must be given a copy of the indictment or presentment before being  
12 called upon to plead. A uniform procedure is provided applicable to all cases.

13

14 I was never given an Arraignment.

15 Rule 11: Pleas.

16 (a) Plea Alternatives.

1 (1) In General. A defendant may plead not guilty, guilty, or nolo contendere. The  
2 court shall enter a plea of not guilty if a defendant refuses to plead or if a defendant  
3 corporation, limited liability company, or limited liability partnership fails to  
4 appear.

5  
6 (2) Nolo Contendere. A defendant may plead nolo contendere only with the  
7 consent of the court. Before accepting a plea of nolo contendere, the court shall  
8 consider the views of the parties and the interest of the public in the effective  
9 administration of justice.

10  
11 (3) Conditional Plea. A defendant may enter a conditional plea of guilty or nolo  
12 contendere in accordance with Rule 37(b).

13 I was never given an opportunity to make a plea.

14  
15 Judge Dianne Turner allowed 4 rules of Tennessee rules of criminal procedure to  
16 be broken and in turn she can fall under conspiracy against civil rights 18 U.S.  
17 Code § 242. Deprivation of rights under color of law

1   Whoever, under color of any law, statute, ordinance, regulation, or custom,  
2   willfully subjects any person in any State, Territory, Commonwealth, Possession,  
3   or District to the deprivation of any rights, privileges, or immunities secured or  
4   protected by the Constitution or laws of the United States, or to different  
5   punishments, pains, or penalties, on account of such person being an alien, or by  
6   reason of his color, or race, than are prescribed for the punishment of citizens, shall  
7   be fined under this title or imprisoned not more than one year, or both; and if  
8   bodily injury results from the acts committed in violation of this section or if such  
9   acts include the use, attempted use, or threatened use of a dangerous weapon,  
10   explosives, or fire, shall be fined under this title or imprisoned not more than ten  
11   years, or both; and if death results from the acts committed in violation of this  
12   section or if such acts include kidnapping or an attempt to kidnap, aggravated  
13   sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to  
14   kill, shall be fined under this title, or imprisoned for any term of years or for life, or  
15   both, or may be sentenced to death.

16   (June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(b), Apr. 11,  
17   1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7019, Nov. 18, 1988, 102 Stat.  
18   4396; Pub. L. 103–322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b),  
19   title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147;

1 Pub. L. 104–294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507,  
2 3511.)

3 For violating my 5th 6th and 14th amendment rights at a minimum she can also fall  
4 under accessory to swifts rico violations.

5 Taylor swift bought 2201 Harding place for her mother I have multiple articles  
6 stating such, Jay schaudies is a real person but he's the straw purchaser for 2201  
7 Harding place, so crazy fans cant find out where her or her family lives, all the  
8 named defendants can fall under

9 Accessory to Multiple counts of Obstruction of justice 1505 (federal law)

10 Accessory to Multiple rico violations (federal law)

11 Accessory to Multiple counts of 18 U.S. Code § 241. Conspiracy against rights and  
12 (federal law)

13 39-11-411. Accessory after the fact. (state law)

14 39-16-502 - False reports. (state law)

15 Mrs, Andrea Finley swift live with swift and have prevented her arrest because all  
16 can fall under 39-11-411. Accessory after the fact for committing 39-16-502 -



1 Judge Norman Harris signed mullens arrest affidavit, so he falls under the same  
2 crimes as Judge Dianne Turner.

3 Count 3

4 Judge Eli J. Richardson I had a case with Judge Eli J. Richardson 3:20-cv-00810  
5 Silva v. Swift et al hes an accessory to Andrew mullens, taylor swifts and rico  
6 violations, He also denied me my 5th and 14th amendment rights to due process by  
7 not giving me a opportunity to be heard (fair hearing), In the process.

8  
9 Count 4

10  
11 I had a case with Judge William L. Campbell 3:20-cv-00938 Silva v. Mullen et al  
12 hes an accessory to Andrew mullens, taylor swifts rico violations, He also denied  
13 me my 5th and 14th amendment rights to due process by not giving me a  
14 opportunity to be heard (fair hearing), In the process.

15  
16  
17 Count 5

1 Judge joe Binkley violated my 5th and 14th amendment rights in civil case 21c444  
2 by giving me less then 48 hours to make a hearing in Tennessee and also gave a no  
3 contact order committing 3 counts of obstruction 1505 (had 3 pending cases in  
4 Florida at the time at the federal level).

5  
6  
7  
8 **Why this court the United States District Court Middle District Of Tennessee**  
9 **has jurisdiction and over this case,**

10 28 U.S. Code § 1391. Venue generally (a) Applicability of Section. —Except as  
11 otherwise provided by law—

12 (1) this section shall govern the venue of all civil actions brought in district courts  
13 of the United States; and

14 (2) the proper venue for a civil action shall be determined without regard to  
15 whether the action is local or transitory in nature.

16 (b) Venue in General.—A civil action may be brought in—

17 (1) a judicial district in which any defendant resides, if all defendants are residents  
18 of the State in which the district is located;

1 (2) a judicial district in which a substantial part of the events or omissions giving  
2 rise to the claim occurred, or a substantial part of property that is the subject of the  
3 action is situated; or

4 (3) if there is no district in which an action may otherwise be brought as provided  
5 in this section, any judicial district in which any defendant is subject to the court's  
6 personal jurisdiction with respect to such action.

7 (c) Residency.—For all venue purposes—

8 (1) a natural person, including an alien lawfully admitted for permanent residence  
9 in the United States, shall be deemed to reside in the judicial district in which that  
10 person is domiciled;

11 (2) an entity with the capacity to sue and be sued in its common name under  
12 applicable law, whether or not incorporated, shall be deemed to reside, if a  
13 defendant, in any judicial district in which such defendant is subject to the court's  
14 personal jurisdiction with respect to the civil action in question and, if a plaintiff,  
15 only in the judicial district in which it maintains its principal place of business; and

16 (3) a defendant not resident in the United States may be sued in any judicial  
17 district, and the joinder of such a defendant shall be disregarded in determining  
18 where the action may be brought with respect to other defendants.

1 All defendants is a Nashville or Tennessee resident, I was arrested in the  
2 jurisdiction of this court.

3  
4  
5 **Memorandum of law to bring this case**

6  
7 **Sec. 1983. - Civil action for deprivation of rights**

8 Every person who, under color of any statute, ordinance, regulation, custom, or  
9 usage, of any State or Territory or the District of Columbia, subjects, or causes to  
10 be subjected, any citizen of the United States or other person within the jurisdiction  
11 thereof to the deprivation of any rights, privileges, or immunities secured by the  
12 Constitution and laws, shall be liable to the party injured in an action at law, suit in  
13 equity, or other proper proceeding for redress, except that in any action brought  
14 against a judicial officer for an act or omission taken in such officer's judicial  
15 capacity, injunctive relief shall not be granted unless a declaratory decree was  
16 violated or declaratory relief was unavailable. For the purposes of this section, any  
17 Act of Congress applicable exclusively to the District of Columbia shall be  
18 considered to be a statute of the District of Columbia Title 42, U.S.C., Section  
19 14141.

1  
2 “This Constitution, and the Laws of the United States [and Treaties] which shall be  
3 made in Pursuance thereof; . . . shall be the supreme Law of the Land. +++

4 Supremacy Clause, Article VI, Clause 2 of the United States Constitution

5  
6 When a judge acts intentionally and knowingly to deprive a person of his  
7 constitutional rights he exercises no discretion or individual judgment; he acts no  
8 longer as a judge, but as a " minister" of his own prejudices. [386 U.S. 547, 568].

9 A judge is liable for injury caused by a ministerial act; to have immunity the judge  
10 must be performing a judicial function. See, e. g., *Ex parte Virginia*, 100 U.S. 339 ;  
11 2 Harper & James, *The Law of Torts* 1642-1643 (1956).

12 The presence of malice and the intention to deprive a person of his civil rights is  
13 wholly incompatible with the judicial function.

14  
15 When the state is one of the perpetrators and violators, there can be no expectation  
16 of just, indeed any, relief from it. The State cannot cause a federal violation, and  
17 then try to prohibit litigants from seeking redress in the federal courts for those  
18 same violations (i.e. the state cannot violate our fundamental rights, and then try to

1 have us dismissed out of federal court for seeking vindication of those rights)' "We  
2 have long recognized that a state cannot create a transitory cause of action and at  
3 the same time destroy the fight to sue on that transitory cause of action in any court  
4 having jurisdiction", Tennessee Coal, Iron & R, Co. v. George, 233 U.S. 354, 360  
5 (1914)' cited in Marshall v. Marshall (2006).Judges' oath of office includes the  
6 undertaking to uphold the laws and Constitution of the United States. **Any Judge**  
7 **violating such undertakings loses jurisdiction, resulting in his orders being**  
8 **VOID, and he himself commits a treasonable offense against the United**  
9 **States.**

10  
11 Punishment varies from a fine or imprisonment of up to one year, or both, and if  
12 bodily injury results or if such acts include the use, attempted use, or threatened  
13 use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to  
14 ten years or both, and if death results, or if such acts include kidnapping or an  
15 attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated  
16 sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for  
17 any term of years or for life, or both.

1 Specific relief requested.

2  
3 *Injunctive relief please stay Judge Dianne Turner and Judge*  
4 *Joe Binkley's void orders for going against my due process*  
5 *rights. Pulliam v. Allen, 466 U.S. 522 (1984)*

6  
7 **Pulliam v. Allen**

8  
9 No. 82-1432

10  
11 Argued November 2, 1983

12  
13 Decided May 14, 1984

14  
15 466 U.S. 522

1 After respondents were arrested for nonjailable misdemeanors, petitioner, a  
2 Magistrate in a Virginia county, imposed bail, and when respondents were unable  
3 to meet the bail, petitioner committed them to jail. Subsequently, respondents  
4 brought an action against petitioner in Federal District Court under 42 U.S.C. §  
5 1983, claiming that petitioner's practice of imposing bail on persons arrested for  
6 nonjailable offenses under Virginia law and of incarcerating those persons if they  
7 could not meet the bail was unconstitutional. The court agreed and enjoined the  
8 practice, and also awarded respondents costs and attorney's fees under the Civil  
9 Rights Attorney's Fees Awards Act of 1976. Determining that judicial immunity  
10 did not extend to injunctive relief under § 1983 and that prospective injunctive  
11 relief properly had been awarded against petitioner, the Court of Appeals affirmed  
12 the award of attorney's fees.

13  
14 Held:

15  
16 **1. Judicial immunity is not a bar to prospective injunctive relief against a**  
17 **judicial officer, such as petitioner, acting in her judicial capacity. Pp. 466 U. S.**  
18 **528-543.**



1 (a) Common law principles of judicial immunity were incorporated into the United  
2 States judicial system, and should not be abrogated absent clear legislative intent to  
3 do so. Although there were no injunctions against common law judges, there is a  
4 common law parallel to the § 1983 injunction at issue here in the collateral  
5 prospective relief available against judges through the use of the King's prerogative  
6 writs in England. The history of these writs discloses that the common law rule of  
7 judicial immunity did not include immunity from prospective collateral relief. Pp.  
8 466 U. S. 528-536.

9  
10 (b) The history of judicial immunity in the United States is fully consistent with the  
11 common law experience. There never has been a rule of absolute judicial immunity  
12 from prospective relief, and there is no evidence that the absence of that immunity  
13 has had a chilling effect on judicial independence. Limitations on obtaining  
14 equitable relief serve to curtail or prevent harassment of judges through suits  
15 against them by disgruntled litigants. Collateral injunctive relief against a judge,  
16 particularly when that relief is available through § 1983, also raises a concern  
17 relating to the proper functioning of federal-state relations, but that

18  
19 Page 466 U. S. 523

1

2 concern has been addressed directly as a matter of comity and federalism,  
3 independent of principles of judicial immunity. While there is a need for restraint  
4 by federal courts called upon to enjoin actions of state judicial officers, there is no  
5 support for a conclusion that Congress intended to limit the injunctive relief  
6 available under § 1983 in a way that would prevent federal injunctive relief against  
7 **a state judge. Rather, Congress intended § 1983 to be an independent**  
8 **protection for federal rights, and there is nothing to suggest that Congress**  
9 **intended to expand the common law doctrine of judicial immunity to insulate**  
10 **state judges completely from federal collateral review. Pp. 466 U. S. 536-543.**

11

12 **2. Judicial immunity is no bar to the award of attorney's fees under the Civil**  
13 **Rights Attorney's Fees Awards Act. Congress has made clear in the Act its**  
14 **intent that attorney's fees be available in any action to enforce § 1983. And the**  
15 **legislative history confirms Congress' intent that an attorney's fee award be**  
16 **made available even when damages would be barred or limited by immunity**  
17 **doctrines. Pp. 466 U. S. 543-544.**

18

19 690 F.2d 376, affirmed.

1  
2 BLACKMUN, J., delivered the opinion of the Court, in which BRENNAN,  
3 WHITE, MARSHALL, and STEVENS, JJ., joined. POWELL, J., filed a dissenting  
4 opinion, in which BURGER, C.J., and REHNQUIST and O'CONNOR, JJ., joined,  
5 post, p. 466 U. S. 544.

6  
7  
8 Please set aside Judge Eli J. Richardson and Judge William L.  
9 Campbell, Jr, void orders for violating my 5<sup>th</sup> and 14<sup>th</sup>  
10 **amendment rights for not giving me an opportunity to be**  
11 **heard (fair hearing).**

12  
13 **A judgment may not be rendered in violation of constitutional protections.**  
14 **The validity of a judgment may be affected by a failure to give the**  
15 **constitutionally required due process notice and an opportunity to be heard.**  
16 **Earle v. McVeigh, 91 US 503, 23 L Ed 398. See also Restatements, Judgments '**  
17 **4(b). Prather vLoyd, 86 Idaho 45, 382 P2d 910.**

1  
2  
3 **The limitations inherent in the requirements of due process and equal**  
4 **protection of the law extend to judicial as well as political branches of**  
5 **government, so that a judgment may not be rendered in violation of those**  
6 **constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L**  
7 **Ed 2d 1283, 78 S Ct 1228.**

8  
9 **A void judgment is not entitled to the respect accorded a valid adjudication,**  
10 **but may be entirely disregarded, or declared inoperative by any tribunal in**  
11 **which effect is sought to be given to it. It is attended by none of the**  
12 **consequences of a valid adjudication. It has no legal or binding force or**  
13 **efficacy for any purpose or at any place. ... It is not entitled to enforcement ...**  
14 **All proceedings founded on the void judgment are themselves regarded as**  
15 **invalid. 30A Am Jur Judgments " 44, 45.**

16  
17 **It is a fundamental doctrine of law that a party to be affected by a personal**  
18 **judgment must have his day in court, and an opportunity to be heard. *Renaud***  
19 **v. *Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194.**

1

2

3 **Every person is entitled to an opportunity to be heard in a court of law upon**  
4 **every question involving his rights or interests, before he is affected by any**  
5 **judicial decision on the question. Earle v McVeigh, 91 US 503, 23 L Ed 398.**

6

7 **No Opportunity to Be Heard**

8 **A judgment of a court without hearing the party or giving him an opportunity**  
9 **to be heard is not a judicial determination of his rights. Sabariego v Maverick,**  
10 **124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other**  
11 **tribunal.**

12 **"A void judgment does not create any binding obligation. Federal decisions**  
13 **addressing void state court judgments include Kalb v. Feuerstein (1940) 308**  
14 **US 433, 60 S Ct 343, 84 L ed 370; Ex parte Rowland (1882) 104 U.S. 604, 26**  
15 **L.Ed. 861:**

16 **"A judgment which is void upon its face, and which requires only an**  
17 **inspection of the**

1 judgment roll to demonstrate its wants of vitality is a dead limb upon the  
2 judicial tree, which should be lopped off, if the power to do so exists." People  
3 v. Greene, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "If a court grants  
4 relief, which under the circumstances it hasn't any authority to grant, its  
5 judgment is to that extent void." (1 Freeman on Judgments, 120c.) An illegal  
6 order is forever void.

7  
8  
9 Monetary relief sought.

10 Andrea Finlay Swift 100,000 usd general for being an accessory to a false  
11 police report and for allowing a officer called to her address to validate my  
12 due process rights.

13 Andrea Finley swift

14 Punitive damages 19.89 million

15  
16 Because punitive damages are intended to punish the wrongdoer, a wealthy  
17 wrongdoer should face a higher punitive damages award than a less wealthy party.  
18 Neal v Farmers Ins. Exch. (1978) 21 C3d 910, 928, 148 CR 389 ("the function of

deterrence . . . will not be served if the wealth of the defendant allows him or her to absorb the award with little or no discomfort"). *Little v Stuyvesant Life Ins. Co.* (1977)67 CA3d 451, 469, 136 CR 653; see also *Michelson v Hamada* (1994)29 CA4th 1566, 1595, 36 CR2d 343. [a]lthough appellate courts have sometimes used the terms "wealth," "financial condition" and "net worth" interchangeably [citations], clearly these terms are not synonymous. And, while "net worth" is probably the financial measurement most often used in setting the amount of punitive damages, no court has held that it is the only permissible measurement. See also *Cheung v Daley* (1995)35 CA4th 1673, 1677, 42 CR2d 164; *Kizer v County of San Mateo* (1991) 53 C3d 139, 147, 279 CR 318. In *Clark v McClurg* (1932) 215 C 279, 9 P2d 505, however, an award of \$5000 in punitive damages was upheld when the jury left blank the space for actual damages. In *Cheung*, defendant was accused of fraudulently transferring real property to evade satisfaction of a nuisance judgment against him. The jury found that plaintiff was entitled to compensatory damages in the amount of \$0. The jury further found that by making the fraudulent transfers, defendant had acted with fraud, oppression, or malice, and awarded punitive damages. On appeal, the court concluded that "the rule of *Mother Cobb's Chicken* -- that an award of exemplary damages must be accompanied by an award of compensatory damages--is still

1 sound. That rule cannot be deemed satisfied where the jury has made an express  
2 determination not to award compensatory damages." 35 CA4th at 1677.

3 Michelson v Hamada (1994)29 CA4th 1566, 1593, 36 CR2d 343; Las Palmas  
4 Assocs. v Las Palmas Center Assocs. (1991)235 CA3d 1220, 1243, 1 CR2d 301  
5 ("punitive damages are not awarded for the purpose of rewarding the plaintiff, but  
6 to punish the defendant"); Kaye v Mount La Jolla Homeowners Ass'n (1988)204  
7 CA3d 1476, 1493, 252 CR 67; Dyna-Med, Inc. v FEHC (1987) 43 C3d 1379,  
8 1387, 341 CR 67 (punitive damages "serve but one purpose—to punish and through  
9 punishment, to deter"); Castaic Clay Mfg. Co. v Dedes (1987)195 CA3d 444, 450,  
10 240 CR 652; Neal v Farmers Ins. Exch. (1978)21 C3d 910, 928 n13, 148 CR 389.  
11 Accordingly, punitive damages should not be greater than the amount necessary to  
12 accomplish these goals. Weeks v Baker & McKenzie (1998)63 CA4th 1128, 1166,  
13 74 CR2d 510; Michelson v Hamada (1994)29 CA4th 1566, 1593, 36 CR2d 343;  
14 Neal v Farmers Ins. Exch. (1978)21 C3d 910, 928 n13, 148 CR 389 ("the function  
15 of punitive damages is not served by an award which, in light of the defendant's  
16 wealth and the gravity of the particular act, exceeds the level necessary to properly  
17 punish and deter").

18 The deterrence justification for punitive damages is motivated by two objectives:  
19 (1) to deter the specific defendant in the case from repeating or continuing his, her,  
20 or its offensive behavior and (2) to deter, generally, other potential parties from



1 committing similar offenses. See Restatement (Second) of Torts §908. This  
2 rationale of deterrence is especially strong in cases in which other measures of civil  
3 damages, and the unlikely prospect of criminal prosecution, are together  
4 insufficient to prevent an individual or entity from engaging in a wrongful act.  
5 Indeed, absent the fear of punitive damages, a defendant may have little incentive  
6 to discontinue the unlawful or harmful conduct.

7 determine the amount of punitive damages to award, the Book of Approved Jury  
8 Instructions (BAJI) states that the jury should consider:

9 (1) The reprehensibility of the conduct of the defendant.

10 (2) The amount of punitive damages which will have a deterrent effect on the  
11 defendant in the light of defendant's financial condition.

12 Even if plaintiff suffers only minimal damage, willful and intentional misconduct  
13 may be basis for award of punitive damages, In re Baker, 18 B.R. 243, 245 (Bankr.  
14 WDNY 1982).

15 Punitive damages may be awarded in a tort action arising from the parties  
16 contractual relationship and other matters if the plaintiff demonstrates; (1) that the  
17 defendant's conduct is actionable as independent tort; (2) the tortious conduct is of  
18 an egregious nature; (3) the egregious conduct is directed toward the plaintiff; (4)  
19 the defendant's conduct is part of a pattern directed at the public generally,

1 Conocophillips v. 261 E. Merrick Rd. Corp., 428 F.Supp.2d 111, 129 (EDNY  
2 2006).

3 punitive damages should be reserved for cases where defendant acted with the  
4 degree of malice akin to the mens rea required for most crimes, Jeffries v.  
5 Harleston, 21 F.3d 1238, 1249, cert. granted, vacated on other grounds, 513 U.S.  
6 996 (1994).

7 In federal cases, the factfinder may award punitive damages if the defendant's  
8 conduct "was malicious, oppressive or in reckless disregard of the plaintiff's rights,  
9 Generally, punitive damages can be awarded in an amount up to the greater of  
10 \$500,000.00 or three times the amount of compensatory damages. Fla. Stat.  
11 768.73(1)(a) However, the amount of punitive damages may be greater upon proof  
12 that the conduct was motivated by unreasonable financial gain or specific intent to  
13 harm. No cap in Florida if intent was on purpose for punitive damages.

14 Vicariously assessed punitive damages are insurable in Florida. U.S. Concrete Pipe  
15 Co., 437 So. 2d 1061. See also Highlands Ins. Co. v. McCutchen, 486 So. 2d 4  
16 (Fla. Dist. Ct. App. 1986).

17 There is no maximum dollar amount of punitive damages that a defendant can be  
18 ordered to pay. In response to judges and juries which award high punitive  
19 damages verdicts, the Supreme Court carved out a notable exception to this rule of

1 proportionality in the case of TXO Production Corp. v. Alliance Resources Corp.,  
2 where it affirmed an award of \$10 million in punitive damages, despite the  
3 compensatory damages being only \$19,000, a punitive-to-compensatory ratio of  
4 more than 526.

5 2014 Tennessee Code

6 Title 29 - Remedies and Special Proceedings

7 Chapter 39 - Compensation for Economic and Noneconomic Damages

8 § 29-39-104 - Punitive damages.

9  
10 **Declaratory judgement did Judge Dianne Turner, Judge Eli J. Richardson**  
11 **Judge Joe Binkley Judge William L. Campbell, Jr, Violate my 5<sup>th</sup> and 14<sup>th</sup>**  
12 **amendment rights to due process.**

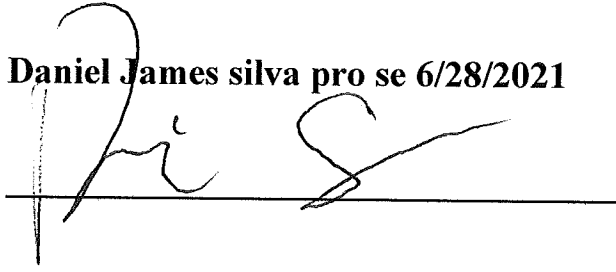
13 **Case law Pulliam v. Allen**

1    **Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)**

2    **It was held that a pro se complaint requires a less stringent reading than one**

3    **drafted by a lawyer per Justice Black in Conley v. Gibson.**

4    **Daniel James silva pro se 6/28/2021**

5    A handwritten signature in black ink, appearing to read 'D. Silva', is written over a horizontal line.

6    **Celticmoon1989@yahoo.com**

7    **501 Lester lane Winston Salem nc 27103**

8    **this court has approved my forma pauperis in case 3:20-cv-00938 Silva v.**

9    **Mullen et al William L. Campbell Jr, so this court has already declared me a**

10    **pauper and that was when I had a job I don't have one anymore.**



1004



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